



MINISTERUL JUSTIȚIEI
DIRECȚIA NAȚIONALĂ DE PROBAȚIUNE

Quality and impact inspections – The effectiveness of the probation work in Romania

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THE CONTEXT

The reform and the progress of the probation system in Romania

- **The recent changes regarding the new criminal code and the criminal procedure code 1st of February 2014**
 - **a new criminal policy – complying with the EU standards, changing the penal philosophy,**
 - **a new approach related to the penal sanctions,**
- **The reorganization (administrative and functional) of the probation system**
 - **the NPD with its own budget and functional autonomy**
 - **42 probation services subordinated to the RPD**



THE CONTEXT

New duties:

- ▶ **the extended role of the probation counsellor – decision maker (by adressing proposals to the court in order to change or replace the obligations imposed during the supervision period),**
- ▶ **the case management principle,**
- ▶ **the community (public and private institutions) involved within the supervision process (by directly supervising the way of serving community work, attending a training and school classes, rehabilitation programmes and other obligations),**
- ▶ **managing new sanctions: the postponement of the sentence, the community service, the conditional release from prison and the educational measures for juveniles**



THE CONTEXT

The statistics: 31.12.2016

- **70.773 probation files (supervised persons) registered within the probation services – total number of files managed in 2016 (in fact 57.814 probationers still in probation supervision at the end of 2016)**
- **the number of employees (probation staff) – 378 probation counsellors (555 at this moment)**
- **the number of probationers increased with 37% comparing with 2015**
- **7.553 pretrial, presentence and supervision reports (5521 during prosecution and criminal trial stage for defendants)**
- **3.164 rehabilitation programmes applied within the local probation services.**



THE CONTEXT

An analysis of the statistics data for 2016:

- ▶ **the caseload: 187 supervised persons/counsellor**
- ▶ **in the probation service with the highest caseload, the average number of probation meetings/day was 8**
- ▶ **the average length of supervision period in 2016 was 39,84 month (3,32 years)**
- ▶ **during 2011 - 2016 there was a 350% increase of the number of probation files/supervised persons while the number of probation counsellors increased only with 40% (from 271 to 378 counsellors)**

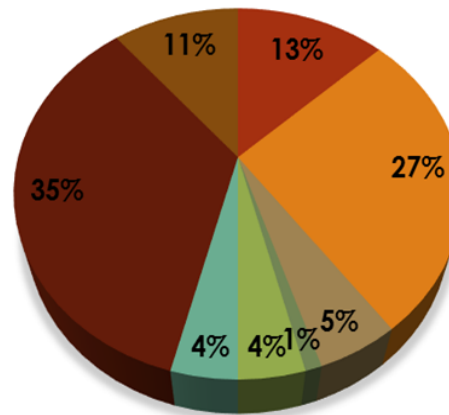


THE CONTEXT

An analysis of the statistics data for 2016:

The distribution of offences in 2016 within the probation system

The distribution of offences

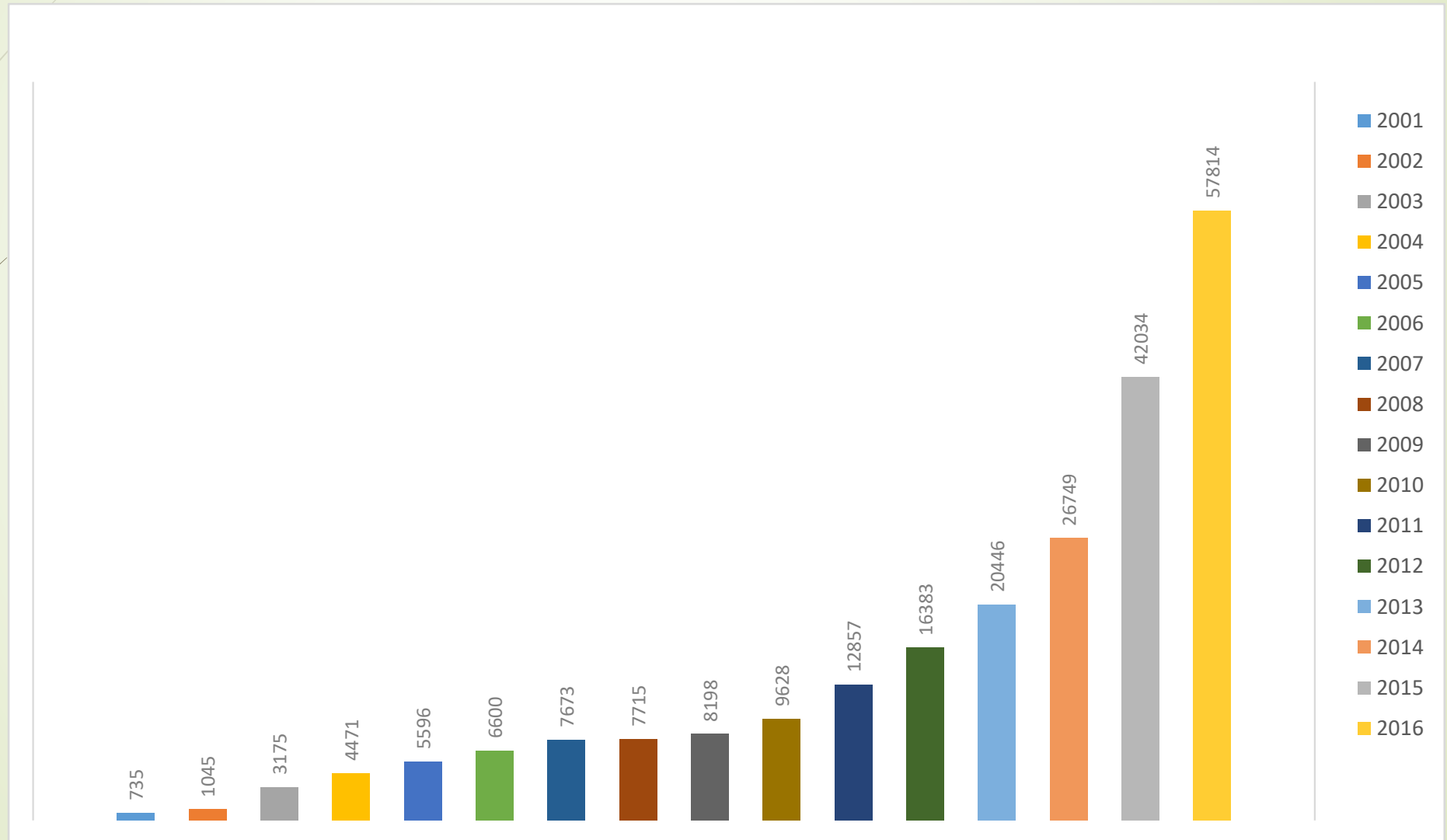


- offences against person
- offences against property
- drugs abuse and traffic offences
- offences against justice
- corruption and public functions related offences
- forgery offences
- road traffic offences
- others



THE CONTEXT

The number of supervised persons at the end of each year





THE CONTEXT

Challenges:

The caseload – difficulties managing the quantity and dealing with quality

The overload of probation staff

The lack of staff - human resources

The infrastructure – lack of spaces

The lack of the regulations for the probation laws (for 3 years the statute of the probation personnel not approved yet)

The profile of the beneficiaries changed – the reoffending risk is increasing

New duties, extended attributions

Recent provisions regarding the compensatory appeal- early release from prison



THE MANAGERIAL AND INSTITUTIONAL APPROACH

Institutional strategies for improving the effectiveness in probation:

The most important value – the probation staff as an added value in probation (highly motivated, skilled, a high level of knowledge - the process of recruitment)

The managerial strategies:

- a) *offering support and guidance for the probation staff through inspections missions (control, evaluation and practical guidance and support)*
- b) *organizing a contest for 187 probation counsellors, finalized during the summer this year,*
- c) *improving the working conditions for probation staff – the coordination of the external funds – Norwegian and European financial resources*
- d) *improving the human resources management – organizing trainings for probation staff (methods, tools and techniques, rehabilitation programmes, new penal provisions), enhancing their skills, growing the motivation of the staff, mainly by using external funds*
- e) *improving the legislative framework*



THE INSPECTION as a fact finding mission

- *The inspection as a fact finding mission, assessing the quality of practice*
- *The main principle of inspections – functional and operational independence (no political or other influence)*
- *The goal of inspections – control, evaluation, monitoring, unifying the probation practice, improving the probation performance overall, disseminating the best practices in the field*
- *Checking the situation, identifying the issues and looking for solutions*
- *A solving problems approach*



THE INSPECTION as a fact finding mission

- ▶ *The type of inspections: general, specific and monitoring*
- ▶ *Period: at least 5 days - general inspection*
- ▶ *The number of inspections for the last 3 years: 32 (2014 – 5, 2015-7, 2016 -12, 2017 – 8)*
- ▶ *The impact of the inspections –control as a managerial tool*
- ▶ *The subjects: management, coordination of the supervision process, pre-trial/pre-sentence reports, rehabilitation programmes.*



THE INSPECTION as a fact finding mission

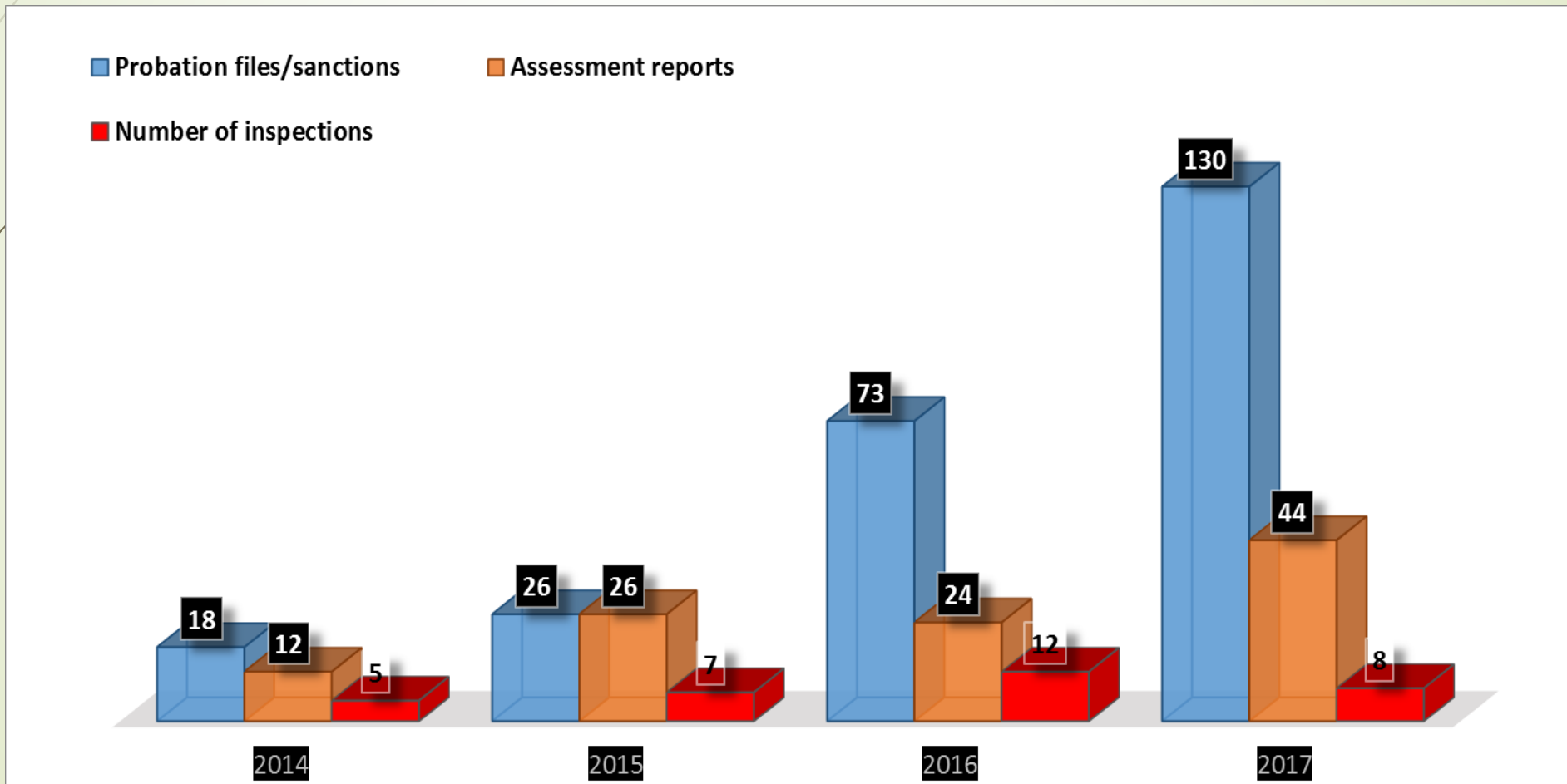
- **The structure of the inspections: collecting informations by interviewing probation staff and evaluating the documents**
- **A representative number of probation files analysed during the inspection mission (quality and quantity)**
- **Number of inspectors (Control Unit): 6**
- **Purpose of the recommendations and the instructions of the Control Unit**
- **Feedback and the inspections report**
- ***The link between the headquarter and the local units***



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THE INSPECTION as a fact finding mission

The average number of probation files analysed in 2014, 2015, 2016, 2017 in 1 inspection

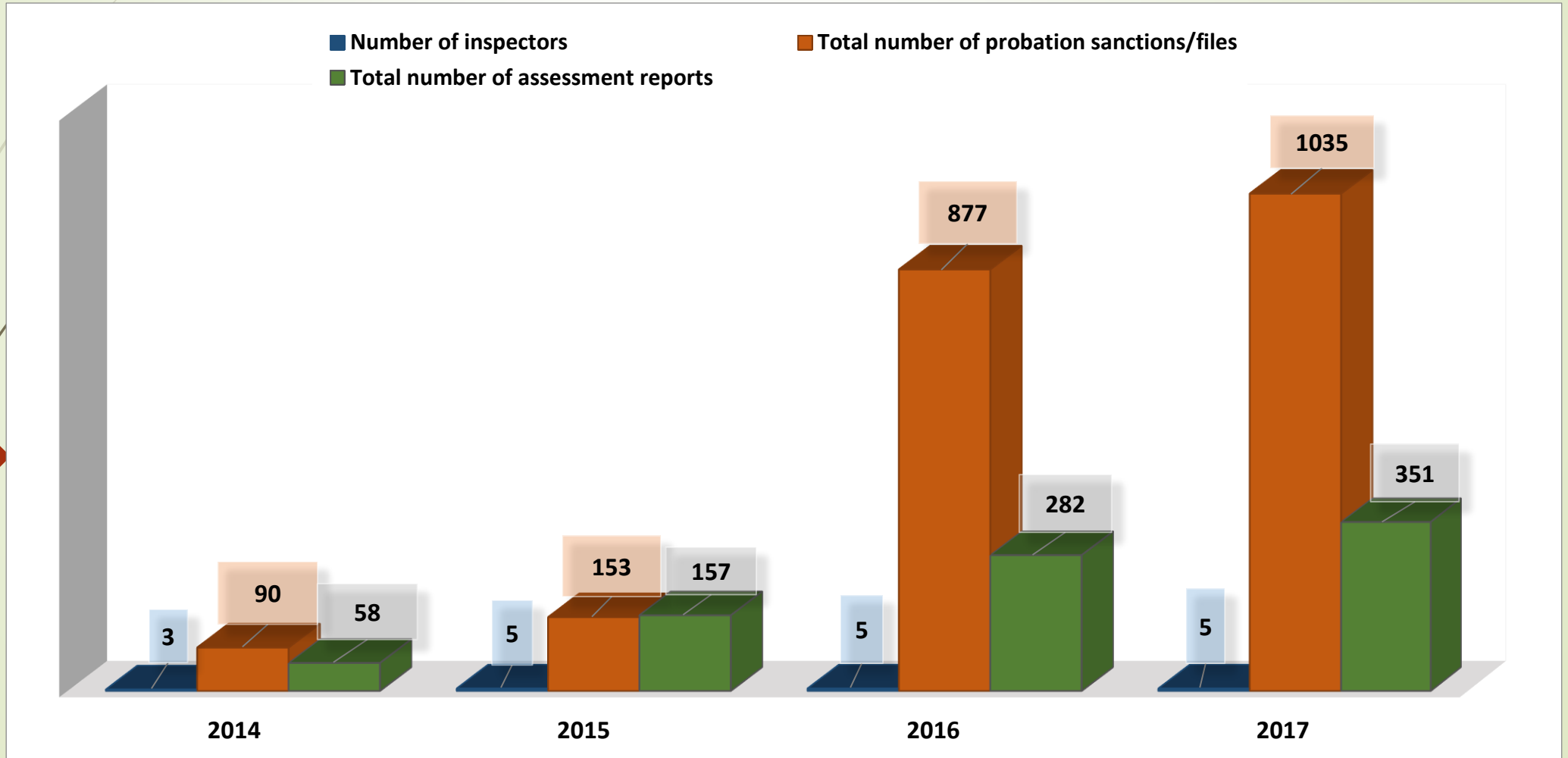




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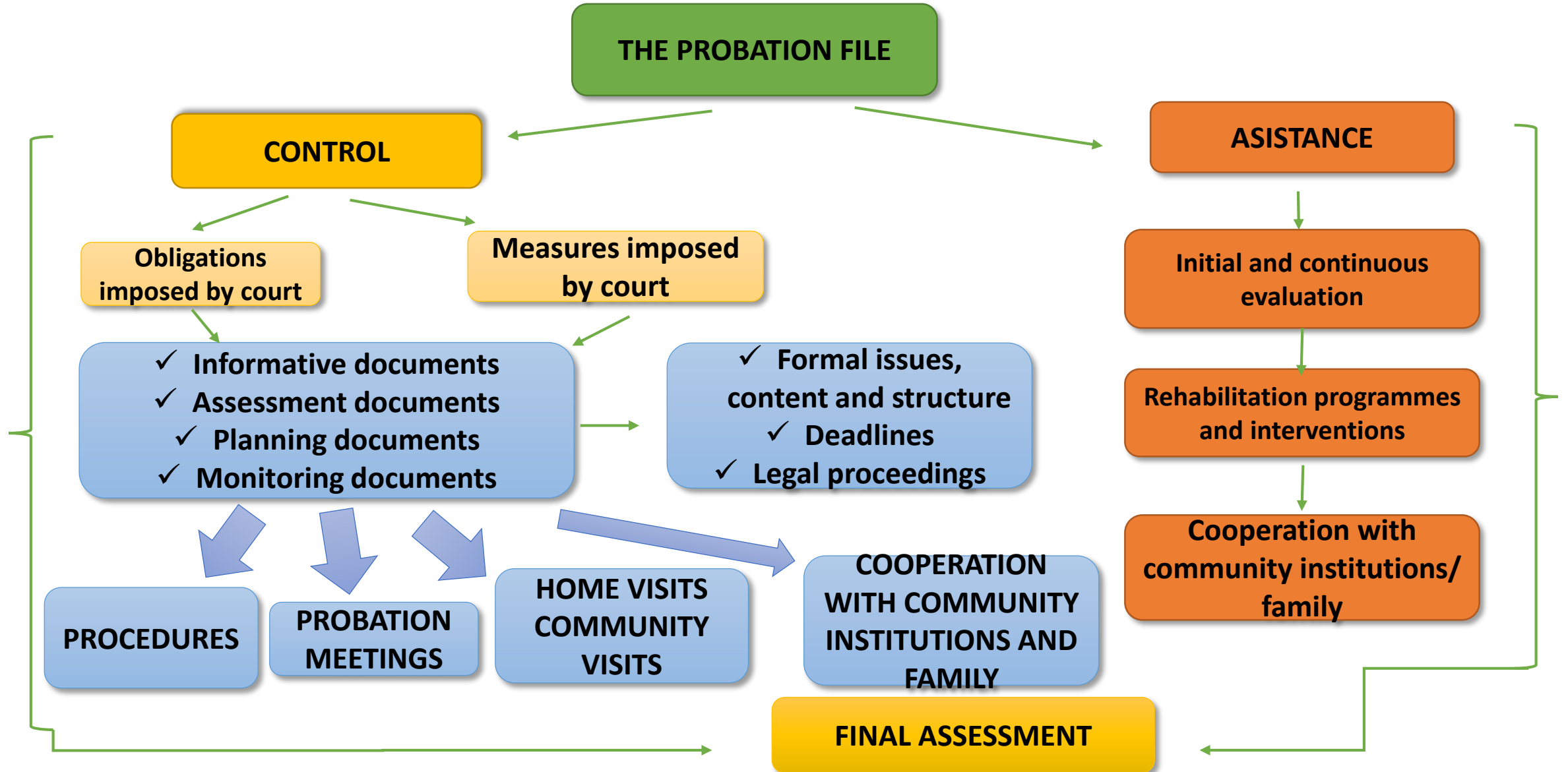
THE INSPECTION as a fact finding mission

The total number of cases evaluated within the inspections



THE ISSUES ANALYSED WITHIN AN INSPECTION

THE CONTENT OF A PROBATION FILE





The impact of the inspections

General recommendations:

Local:

- improving the local management, involving the local community in the coordination of the penal sanctions - lobby for NGO s;
- ensuring the proper application of the legal provisions,
- settling realistic and achievable targets,
- assessing and reviewing the cooperation with the local institutions regarding community service, the obligation to attend a professional training,
- improving the case management on issues such: community service, civil liabilities (compensatory financing for victims)



The impact of the inspections

The general recommendations as results of inspections:

Central:

- reducing the caseload by financing new probation counsellor places and organizing the contest,
- organizing trainings for the chiefs of the probation services and for the probation staff,
- improving the working conditions by ensuring the proper infrastructure (spaces, furniture, cars, computers),
- managing external funds in order to cover the institutional needs of the system mentioned above,
- drafting the subsequent laws regulations in order to guide the activities of the probation services,
- developing the rehabilitation of offenders strategy
- approving the minimum standards for working in probation;



The impact of the inspections

- **The contribution of inspections to the effectiveness of the probation work:**
 - dissemination of the good practices
 - link between probation services
 - improve the overall performance
 - a balance between ensuring quality and managing quantity
- **Proposals:**
 - to organize local meetings in order to debate practical issues and to exchange practices
 - to develop or improve the quality of the externalized services
 - to focus and prioritize the probation activities according to the level of risk



Case study:

- ▶ a general inspection in a local probation service
- ▶ The peculiarities of the local probation service:
- ▶ the establishment of probation units organized by specialization within a local probation service: Pre-sentence Assessment Office, Supervision Office and Rehabilitation Programme Office
- ▶ an experiment in order to increase the probation effectiveness
- ▶ the goal was to decrease the caseload, to work specialized by having constant and different attributions



Case study:

- In fact, the results of the evaluation have shown:
 - high differences related to the caseload and the work between the Pre-sentence Assessment Office and the Supervision Office;
 - a decreased motivation for the probation counsellors managing probation files in the Supervision Office;
 - frustration and difficulties within the team,
 - a low involvement of the manager,
 - legal procedures not enforced and not applied regarding implementing court obligations
 - An analysis of impact must be done
- The conclusion: the impact of the reform process is not always positive and a realistic evaluation would show the real picture
- In the same time, the specialization of the attributions may work in other probation services



Inspection can be.....

- a real picture of the probation system,
- a detailed radiography of the system,
- guidelines and recommendations,
- a tool for unifying the probation practice,
- a *solving-problems approach*, not focused on sanctions,
- a diagnosis of the present and a predictor of the institutional future.



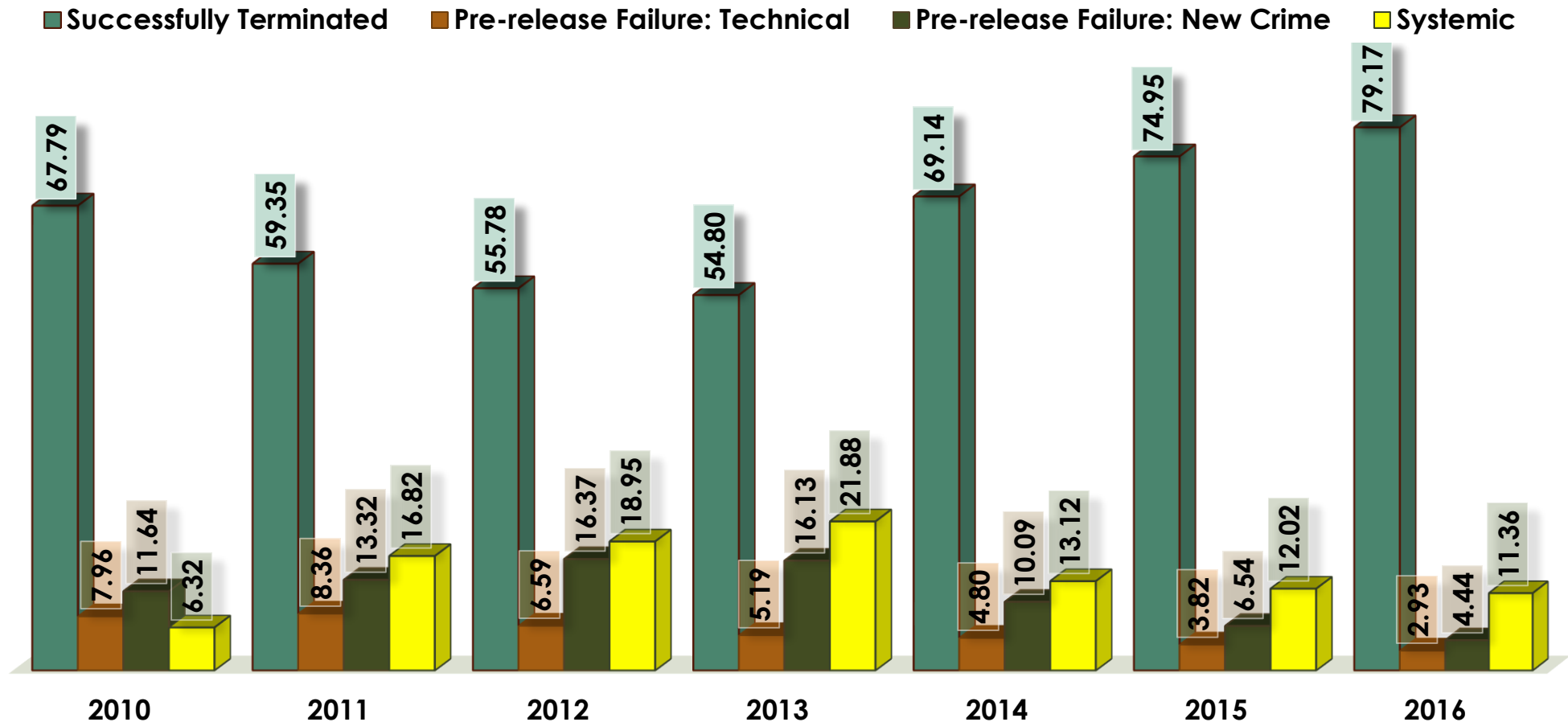
Some of the strenghts and positive aspects

- *In terms of management:*
 - a performant management includes the democratic leadership style, focused on activities and on the team,
 - the involvement of the team within the managerial and administrative activities,
 - a flexible management is always adapted to the new working conditions,
 - the involvement of managers in coordination probation files (cases) in order to support the team,
 - managing the cooperation with the community parteners,
- *In terms of activities and staff:*
 - proper and efficient coordination of a high caseload;
 - the case management flexible and adjusted according to the criminogenic needs of the probationer;
 - ensuring a balance between the control and the assistance;
 - the probation staff enhanced with skills, the knowledge of proceedings.



The results of the most recent research in probation
„The assessment, monitoring and outcome measurement system for offender
rehabilitation and reintegration”

EFFECTIVENESS OF PROBATION INDICATORS





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„It always seems impossible until it's done”

Nelson Mandela



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Thank you for your attention!



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